

BILL NO. S-69-08- 03

SPECIAL ORDINANCE NO. S- 299-69

AN ORDINANCE ordering a sidewalk on west side of Barnhart Avenue from north property line of State Boulevard to south property line of Vance Avenue in the City of Fort Wayne, Indiana, except where sidewalk is now in place.

WHEREAS, on the 9th day of June, 1969, the Board of Public Works of the City of Fort Wayne adopted Sidewalk Improvement Resolution No. 5504-1969, providing for the construction of sidewalk on the west side of Barnhart Avenue from the north property line of State Boulevard to the south property line of Vance Avenue, except where sidewalk is now in place; and

WHEREAS, within 10 days after the day named for hearing upon said Resolution, a majority of the resident freeholders on said street remonstrated against said improvement; and

WHEREAS, on July 17, 1969, the Board of Public Works, upon consideration of such remonstrance, determined that in its opinion, a public need and necessity for said sidewalk exists for the safety of the children in the area so that they will not be compelled to walk and play in the street, and by its communication dated July 17, 1969, heretofore made a matter of record, communicated the foregoing to this body; and

WHEREAS, Section 107 of Chapter 129 of the Acts of 1905 of the State of Indiana, as amended, provides that in the event of such a remonstrance, the improvement shall not be made unless specifically ordered by an ordinance within 60 days thereafter, passed by two-thirds vote of the Council and approved by the Mayor:

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the construction of the above-described sidewalk is hereby deemed to be of public need and necessity in order to provide for the safety of the children living and playing in said area.

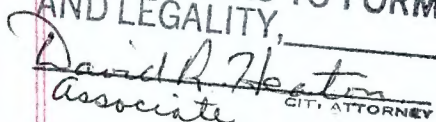
SECTION 2. That notwithstanding any remonstrance filed against the same by the resident freeholders on said street, the construction of a sidewalk on the west side of Barnhart Avenue

from the north property line of State Boulevard to the south property line of Vance Avenue, except where sidewalk is now in place, in the City of Fort Wayne, Indiana, be and the same is hereby specifically ordered, and this Ordinance shall be and constitute sufficient authority and direction to the Board of Public Works of the City of Fort Wayne in the premises to proceed in accordance with said resolution.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.


~~John J. Stuebe~~

APPROVED AS TO FORM
AND LEGALITY,


Associate CITY ATTORNEY

1 No. S-69-08-03

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance
ordering a sidewalk on west side of Barnhart Avenue from north property line of
State Boulevard to south property line of Vance Avenue in the City of Fort Wayne,
Indiana, except where sidewalk is now in place,

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

JOHN NUCKOLS, Chairman

EDWIN J. ROUSSEAU, Vice-Chairman

THOMAS G. ADAMS

CELIA ANN FAY

JOHN H. ROBINSON

Jack H. Dunigan
Celia Ann Fay
John H. Robinson
CONCURRED IN

DATE 8-26-69 FUAD G. DONAHOO, CITY CLERK

Read the first time in full and on motion by Robinson seconded by Nuckols and duly adopted, read the second time by title and referred to the (Committee on) Public Works (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____ 196____, at _____ o'clock _____ P.M., E.S.T.

Date: 8-5-69 Frank G. Bonachoon
City Clerk

Read the third time in full and on motion by Fay seconded by Robinson and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

AYES 6, NAYS 0, ABSTAINED _____, ABSENT 3 to-wit:

Adams	_____	_____	_____	<u>✓</u>
Dunifon	<u>✓</u>	_____	_____	_____
Fay	<u>✓</u>	_____	_____	_____
Geake	<u>✓</u>	_____	_____	_____
Nuckols	_____	_____	_____	<u>✓</u>
Robinson	<u>✓</u>	_____	_____	_____
Rousseau	_____	_____	_____	<u>✓</u>
Steigerwald	<u>✓</u>	_____	_____	_____
Tipton	<u>✓</u>	_____	_____	_____

Date 8-26-69 Frank G. Bonachoon
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map)(General)(Annexation)(Special)(Appropriation), Ordinance (Resolution) No. 5-299-69

on the 26th day of August, 1969.

ATTEST: (SEAL)

Frank G. Bonachoon
City Clerk

Herbert H. Tipton
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of August, 1969 at the hour of 8:30 o'clock A.M., E.S.T.

Frank G. Bonachoon
City Clerk

Approved and signed by me this 27th day of August, 1969, at the hour of 10:06 o'clock A.M., E.S.T.

Harold S. Zeis
Mayor